

1 **BEFORE THE ARIZONA STATE BOARD OF APPRAISAL**

2
3 **IN THE MATTER OF:**

4 **JONATHAN P. GEORGE**
5 Licensed Residential Appraiser
License No. 11777

CASE No. 2959

**CONSENT AGREEMENT
AND ORDER OF DISCIPLINE**

6
7 In the interest of a prompt and judicious settlement of the above-captioned matters
8 before the Arizona Board of Appraisal ("Board") and consistent with public interest,
9 statutory requirements and responsibilities of the Board, and pursuant to A.R.S. § 32-3601
10 *et seq.* and A.R.S. § 41-1092.07(F)(5), Jonathan P. George ("Respondent"), holder of
11 license no. 11777 and the Board enter into this Consent Agreement, Findings of Fact,
12 Conclusions of Law and Order ("Consent Agreement") as the final disposition of this
13 matter.

14 On June 20, 2010, the Board held an Informal Hearing to discuss case no. 2959.
15 Respondent appeared personally and on his own behalf. At the conclusion of the Informal
16 Hearing, the Board voted to offer the Respondent a Consent Agreement and Order of
17 Discipline in lieu of further administrative proceedings.

18 **JURISDICTION**

19 1. The Arizona State Board of Appraisal ("Board") is the state agency
20 authorized pursuant to A.R.S. § 32-3601 *et seq.*, and the rules promulgated thereunder,
21 found in the Arizona Administrative Code ("A.A.C." or "rules") at R4-46-101 *et seq.*, to
22 regulate and control the licensing and certification of real property appraisers in the State
23 of Arizona.

24 2. Respondent holds a license as a Licensed Residential Appraiser in the State
25 of Arizona, License No. 11777 issued on April 5, 2007, pursuant to A.R.S. § 32-3612.
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1 **FINDINGS OF FACT**

2 On or about June 20, 2010, the Board's investigation revealed the following:

3 1. This matter deals with an appraisal conducted and report written by
4 Respondent of a single family residence located at 5981 W. Venus Way, Chandler, AZ
5 85226 with an effective date of value of August 29, 2009.

6 2. The Respondent stated in the appraisal report that the appraisal was being
7 conducted for the purposes of a refinance. However, the names of the borrower and the
8 owner were different in the report and Respondent did not discuss this discrepancy.

9 3. The fact that the home was 18 years old and yet no depreciation was
10 applied is not credible.

11 4. Adhering to the client's request to include comparables that closed within
12 90 days of the date of the appraisal was too limiting and rendered your appraisal results
13 incredible.

14 **CONCLUSIONS OF LAW**

15 Pursuant to A.R.S. § 32-3635, a certified or licensed appraiser in the State of
16 Arizona must comply with the standards of practice adopted by the Board. The
17 Standards of Practice adopted by the Board are codified in the USPAP edition applicable
18 at the time of the appraisal.

19 The conduct described above constitutes violations of the following provisions of
20 the USPAP, 2008-2009 edition:

21 Standards Rule 1-1(a); Standards Rule 1-2(h); Standards Rule 1-4(a); Standards
22 Rule 1-4(b)(iii); and Scope of Work Rule--Acceptability.

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1 for any violation of the applicable statutes and rules discovered in an audit of the
2 Respondent's appraisal reports provided to the Board under the terms of this Consent
3 Agreement.

4 5. The Respondent shall file an appraisal log with the Board on a monthly
5 basis listing every Arizona appraisal that he has completed within the prior calendar
6 month by property address, appraisal type, valuation date, the date the appraisal was
7 issued, and the number of hours worked on each assignment. The report log shall be filed
8 monthly beginning the 15th day of the first month following the start of Respondent's
9 probationary period and continuing each month thereafter until the Board terminates the
10 probation. If the log reporting date falls on a Saturday, Sunday, or holiday, the report log
11 is due on the next business day. **Even if Respondent performs no appraisals within a**
12 **given month, he must still file an appraisal log with the Board showing that no**
13 **appraisals were performed.** The monthly log report may be filed by mail or facsimile.

14 6. Respondent's probation shall continue until: (a) Respondent petitions the
15 Board for termination as provided in paragraph 7, and (b) the Board terminates the
16 probation. Upon petition by the Respondent for termination of the probation, the Board
17 will select and audit 3 of Respondent's appraisal reports.

18 7. At the end of **six (6) months** from the effective date of this Consent
19 Agreement, the Respondent may petition the Board for termination of his probation. If
20 the Board determines that Respondent has not complied with **all** the requirements of this
21 Consent Agreement, the Board, at its sole discretion, may either: (a) continue the
22 probation or (b) institute proceedings for noncompliance with this Consent Agreement,
23 which may result in suspension, revocation, or other disciplinary and/or remedial action.

24 8. Respondent shall not act as a supervising appraiser for other appraisers or
25 trainees, nor shall he act as a mentor, during the term of the probation. Respondent shall
26 also not teach any course related to real estate appraisals during the term of the probation.

1 9. Respondent shall comply with the Uniform Standards of Professional
2 Appraisal Practice in performing all appraisals and all Board statutes and rules.

3 10. If, between the effective date of this Consent Agreement and the
4 termination of Respondent's probation by the Board, Respondent fails to renew his
5 license while under this Consent Agreement and subsequently applies for a license or
6 certificate, the remaining terms of this Consent Agreement, including probation and
7 mentorship, shall be imposed if the application for license or certificate is granted.

8 11. Respondent has read and understands this Consent Agreement as set forth
9 herein, and has had the opportunity to discuss this Consent Agreement with an attorney
10 or has waived the opportunity to discuss this Consent Agreement with an attorney.
11 Respondent voluntarily enters into this Consent Agreement for the purpose of avoiding
12 the expense and uncertainty of an administrative hearing.

13 12. Respondent understands that he has a right to a public administrative
14 hearing concerning each and every allegation set forth in the above-captioned matter, at
15 which administrative hearing he could present evidence and cross-examine witnesses. By
16 entering into this Consent Agreement, Respondent freely and voluntarily relinquishes all
17 rights to such an administrative hearing, as well as all rights of rehearing, review,
18 reconsideration, appeal, judicial review or any other administrative and/or judicial action,
19 concerning the matters set forth herein. Respondent affirmatively agrees that this Consent
20 Agreement shall be irrevocable.

21 13. Respondent understands that this Consent Agreement, or any part thereof,
22 may be considered in any future disciplinary action against him.

23 14. The parties agree that this Consent Agreement constitutes final resolution
24 of this disciplinary matter.

25 15. Time is of the essence with regard to this agreement.

1 16. If Respondent fails to comply with the terms of this Consent Agreement,
2 the Board shall properly institute proceedings for noncompliance with this Consent
3 Agreement, which may result in suspension, revocation, or other disciplinary and/or
4 remedial actions. Respondent agrees that any violation of this Consent Agreement is a
5 violation of A.R.S. § 32-3631(A)(8), which is willfully disregarding or violating any of
6 the provisions of the Board's statutes or the rules of the Board for the administration and
7 enforcement of its statutes.

8 17. Respondent understands that this Consent Agreement does not constitute a
9 dismissal or resolution of other matters currently pending before the Board, if any, and
10 does not constitute any waiver, express or implied, of the Board's statutory authority or
11 jurisdiction regard any other pending or future investigation, action or proceeding.
12 Respondent also understands that acceptance of this Consent Agreement does not
13 preclude any other agency, subdivision or officer of this state from instituting other civil
14 or criminal proceedings with respect to the conduct that is the subject of this Consent
15 Agreement.

16 18. Respondent understands that the foregoing Consent Agreement shall not
17 become effective unless and until adopted by the Board of Appraisal and executed on
18 behalf of the Board. Any modification to this original document is ineffective and void
19 unless mutually approved by the parties in writing.

20 19. Respondent understands that this Consent Agreement is a public record that
21 may be publicly disseminated as a formal action of the Board.

22 20. Pursuant to the Board's Substantive Policy Statement #1, the Board
23 considers the violations in the above-referenced matters to constitute to a **Level III**
24 **Violation.**

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1 DATED this 12th day of October, 2010.

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3
4 Jonathan P. George
5 Respondent

Dan Pietropaulo
Dan Pietropaulo
Executive Director
Arizona Board of Appraisal

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7 ORIGINAL of the foregoing filed
8 this 12 day of October, 2010 with:

9 Arizona Board of Appraisal
10 1400 West Washington Street, Suite 360
Phoenix, Arizona 85007

11 COPY of the foregoing mailed regular
12 and certified mail 7009 1630 0000 7387 7605
this 12 day of October, 2010 to:

13 Mr. Jonathan P. George
14 3905 N. 7th Ave
P.O. Box 33155
Phoenix, AZ 85013

15 COPY of the foregoing sent or delivered
16 this 12 day of October, 2010 to:

17 Jeanne M. Galvin
18 Assistant Attorney General
Arizona Attorney General's Office
1275 West Washington, CIV/LES
Phoenix, Arizona 85007

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21 By: Rebecca M. Coar

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